

**SUPREME COURT MINUTES
WEDNESDAY, FEBRUARY 19, 2003
SAN FRANCISCO, CALIFORNIA**

S105569

BELL (RONALD) ON H.C.
Order to show cause issued

The Director of the Department of Corrections is ordered to show cause in this court, when the matter is placed on calendar, why the relief prayed for should not be granted on the grounds that petitioner is actually innocent and that the prosecution introduced false testimony at the trial, as alleged in claims B and C of the petition for writ of habeas corpus filed April 2, 2002. The return shall be filed on or before March 21, 2003.

S112443

A095412 First Appellate District,
Division Four

PEOPLE v. TAYLOR
Petition for review granted; issues limited (criminal case)

Respondent's petition for review GRANTED
Appellant's petition for review denied. The issue to be briefed and argued shall be limited to whether a defendant must have knowledge that a woman is pregnant before he can be convicted of the implied malice murder of her fetus.

Votes: George, C.J., Kennard, J., Baxter, J., Werdegar, J., Chin, J., Brown, J., and Moreno, J.

S112624

B143162 Second Appellate District,
Division Five

LEWIS JORGE CONSTRUCTION v. POMONA UNIFIED S
Petition for review granted; issues limited (civil case)

Review shall be restricted to those issues raised in the petition for review. The request for judicial notice is denied. (See Cal. Rules of Court, rule 977(c); see also Mangini v. R.J. Reynolds Tobacco Co. (1994) 7 Cal. 4th 1057, 1064.)

Votes: George, C.J., Kennard, J., Baxter, J., Werdegar, J., Chin, J., Brown, J., and Moreno, J.

S112862

B152928 Second Appellate District,
Division One

GRAHAM v. DAIMLERCHRYSLER

Petition for review granted (civil case)

Votes: George, C.J., Kennard, J., Baxter,
J., Werdegarr, J., Chin, J., Brown, J., and
Moreno, J.

S112904

F039025 Fifth Appellate District

PEOPLE v. PALOMINO

Review granted/briefing deferred (rule 29.3) - criminal case

Further action in this matter is deferred pending consideration and disposition of a related issue in *Robert L. v. Superior Court*, S100359 (see Cal. Rules of Court, rule 28.2(c), formerly rule 29.2(c)) or pending further order of the court. Submission of additional briefing, pursuant to Cal. Rules of Court, rule 29.1 (formerly rule 29.3), is deferred pending further order of the court. Appointment of counsel is deferred pending further order of the court.

Votes: George, C.J., Kennard, J., Baxter, J.,
Werdegarr, J., Chin, J., Brown, J., and
Moreno, J.

S111984

B162210 Second Appellate District,
Division Five

NET2PHONE v. S.C. (CONSUMER CAUSE)

Review granted; transferred to CA 2/5 to issue OSC

The matter is transferred to the Court of Appeal, Second Appellate District, Div. Five, with directions to vacate its order denying mandate and to issue an order directing respondent superior court to show cause why the relief sought in the petition should not be granted.

Votes: George, C.J., Kennard, J., Baxter,
J., Werdegarr, J., Chin, J., Brown, J. and
Moreno, J.

S087490

KIPP (MARTIN JAMES) ON H.C.

Petition for writ of habeas corpus denied (AA)

Petitioner's request for judicial notice of court records is granted. Respondent's request for judicial notice of court records is granted. The petition for writ of habeas corpus, filed on April 12, 2000, is denied. Each claim is denied on the merits for failure to state a prima facie case for relief. Each claim is barred as untimely (see *In re Robbins* (1998) 18 Cal.4th 770, 780-781) except claims B (cruel and unusual punishment), J (competence for execution), L (cruel and unusual punishment), M (fair consideration of appeal and prior habeas corpus petition), and N (imposition of procedural bars). Each claim is barred as successive (see *In re Clark* (1993) 5 Cal.4th 750, 767-768) except claims B (cruel and unusual punishment), J (competence for execution), L (cruel and unusual punishment), M (fair consideration of appeal and prior habeas corpus petition), and N (imposition of procedural bars). Claim A is barred as repetitive to the extent it duplicates the claims raised in a previous habeas corpus petition that this court denied. (See *In re Miller* (1941) 17 Cal.2d 734, 735.) Except insofar as they allege ineffective assistance of counsel, claims C, D, F, and H are barred because, being based entirely on the facts in the appellate record, they could have been but were not raised on appeal (see *In re Harris* (1993) 5 Cal.4th 813, 825, fn. 3; *In re Dixon* (1953) 41 Cal.2d 756, 759). Claim D is barred because claims of insufficiency of the evidence are not cognizable on habeas corpus. (See *In re Lindley* (1947) 29 Cal.2d 709, 723.) Claim J (competence for execution) is barred as premature. (*People v. Lawley* (2002) 27 Cal.4th 102, 169, fn. 25; *People v. Kelly* (1992) 1 Cal.4th 495, 545, fn. 11.) Justice Brown would deny the petition solely on the merits.

S111125PLATT v. COMMISSION ON JUDICIAL PERFORMANCE
Petition for writ of review denied**S111931**A098037 First Appellate District,
Division ThreeGREENLINING INSTITUTE v. P.U.C. (PACIFIC BELL)
Petition for review denied**S111976**A098039 First Appellate District,
Division ThreePACIFIC BELL v. PUC
Petition for review denied**S111987**B155625 Second Appellate District,
Division SevenMITCHELL (WILLIE) ON H.C.
Petition for review denied**S112058**

C038751 Third Appellate District

HAMILTON v. GOURLEY
Petition for review & depublication request deniedChin, J., and Moreno, J., are of the opinion
the petition should be granted.**S112095**B152750 Second Appellate District,
Division FiveHOMEOWNERS v. PACIFIC BELL
Petition for review deniedThe request for an order directing publication of
the opinion is denied.**S112106**B155787 Second Appellate District,
Division Five

B150763

BURT (TREMAINE) ON H.C.
Petition for review denied**S112284**E031213 Fourth Appellate District,
Division TwoP. (ATHENA), IN RE
Petition for review denied

S112296

D038093 Fourth Appellate District,
Division One
D038644

GREER v. CITY OF ESCONDIDO

Petition for review denied

S112542

A100911 First Appellate District,
Division Three

MARTINO v. S.C. (MARTINO)

Petition for review denied

S112567

A095042 First Appellate District,
Division One
A096115

SIEGEL v. CHW WEST BAY

Petition for review denied

S112570

B153920 Second Appellate District,
Division Four

SLESINGER v. THE WALT DISNEY COMPANY

Petition for review denied

George, C.J. and Brown, J., were recused and
did not participate.

S112596

H025353 Sixth Appellate District

BRIGAERTS v. S.C. (PEOPLE)

Petition for review denied

S112617

B154011 Second Appellate District,
Division One

GUEVARA v. HEIMBERG

Petition for review denied

S112687

B154006 Second Appellate District,
Division Three

PEOPLE v. JONES (LOUIS)

Petition for review denied

Kennard, J., is of the opinion the petition
should be granted.

S112710

B152950 Second Appellate District,
Division Four

HOLMES v. HOLMES

Petition for review denied

S112752

A092113 First Appellate District,
Division One

PEOPLE v. PATTON

Petition for review denied

S112758

F040075 Fifth Appellate District

PEOPLE v. BROCK

Petition for review denied

Baxter, J., was recused and did not participate.

S112763

F038364 Fifth Appellate District

PEOPLE v. CONTRERAS

Petition for review denied

S112764

F039296 Fifth Appellate District

PEOPLE v. DALY

Petition for review denied

S112768

G022890 Fourth Appellate District,
Division Three

BEST WESTERN v. GRANITE (CALMAT)

Petition for review denied

S112770

C035119 Third Appellate District

PEOPLE v. WILLIFORD

Petition for review denied

S112772

F038797 Fifth Appellate District

PEOPLE v. SLOAN

Petition for review denied

S112773

E030666 Fourth Appellate District,
Division Two

PEOPLE v. PARKER

Petition for review denied

S112774

F040077 Fifth Appellate District

PEOPLE v. GALVAN

Petition for review denied

S112781

H023213 Sixth Appellate District

PEOPLE v. ZAMGOLA

Petition for review denied

S112794

A096144 First Appellate District,
Division Four

BRAZIL v. BRAZIL (BRAZIL)

Petition for review denied

S112795

B151043 Second Appellate District,
Division Seven

PEOPLE v. BOYD

Petition for review denied

S112797

C038555 Third Appellate District

PEOPLE v. JAIME

Petition for review denied

S112799

B153948 Second Appellate District,
Division Six
B154130

LOPEZ v. ORTIZ

Petition for review denied

S112800

B159613 Second Appellate District,
Division Five

PEOPLE v. SKELTON

Petition for review denied

S112806

C035786 Third Appellate District

PEOPLE v. THOMAS

Petition for review denied

S112808

G030129 Fourth Appellate District,
Division Three

STANFORD v. COSTA MESA

Petition for review denied

S112812

D037061 Fourth Appellate District,
Division One

PEOPLE v. BAND

Petition for review denied

S112813

B157635 Second Appellate District,
Division Six

R. (CIANA), IN RE

Petition for review denied

S112819

H022136 Sixth Appellate District

PEOPLE v. NAVARRO

Petitions for review denied

S112823A095952 First Appellate District,
Division Four

PEOPLE v. BIBBS

Petition for review denied

S112827E030439 Fourth Appellate District,
Division Two

PEOPLE v. STERLING

Petition for review denied

S112836E026993 Fourth Appellate District,
Division Two
E030212

PEOPLE v. GRUNINGER

Petition for review denied

S112837B157102 Second Appellate District,
Division Eight

PEOPLE v. BARRERA

Petition for review denied

S112843B163641 Second Appellate District,
Division Eight

HAIM v. APPELLATE DEPARTMENT (PEOPLE)

Petition for review denied

S112844

H023407 Sixth Appellate District

PEOPLE v. PORTER

Petition for review denied

S112845A097919 First Appellate District,
Division Four

CITIZENS FOR RESPONSIBLE GOV. v. BOARD

Petition for review denied

S112846

H019581 Sixth Appellate District

PEOPLE v. NGUYEN

Petition for review denied

S112850B155184 Second Appellate District,
Division Eight

PEOPLE v. ORTIZ

Petition for review denied

S112851

B148541 Second Appellate District,
Division One

PEOPLE v. ROGERS

Petition for review denied

S112852

A097216 First Appellate District,
Division Two

A096768

A098652

PEOPLE v. HERNANDEZ

Petition for review denied

S112855

D038540 Fourth Appellate District,
Division One

PEOPLE v. PUGH

Petition for review denied

S112857

B150235 Second Appellate District,
Division Eight

COMPUTER NOZZLE, INC. v. CAMBRIDGE
ASSOCIATES,

Petition for review denied

S112859

H023387 Sixth Appellate District

PEOPLE v. FRASER

Petition for review denied

S112864

B151718 Second Appellate District,
Division Four

MEL CLAYTON FORD v. FORD MOTOR COMPANY

Petition for review denied

S112866

B155580 Second Appellate District,
Division Four

MILLER v. NORTHRIDGE FAMILY

Petition for review denied

S112871

E030687 Fourth Appellate District,
Division Two

PEOPLE v. SANCHEZ

Petition for review denied

S112872

E032696 Fourth Appellate District,
Division Two

MAES v. S.C. (PEOPLE)

Petition for review denied

S112873
H022669 Sixth Appellate District

PEOPLE v. FLORES
Petition for review denied

S112887
B143112 Second Appellate District,
Division Eight

GUNTHER-WALL PRODUCTIONS, INC. v. MATTEL, INC
Petition for review denied

S112888
F038744 Fifth Appellate District

PEOPLE v. DUPREE
Petition for review denied

S112889
B163754 Second Appellate District,
Division Six

NORIEGA v. S.C. (PEOPLE)
Petition for review and application for stay denied

S112891
C039121 Third Appellate District

PEOPLE v. WRIGHT
Petition for review denied

S112892
C039119 Third Appellate District

PEOPLE v. LEE
Petition for review denied

S112894
B140775 Second Appellate District,
Division One

PEOPLE v. BLAND
Petition for review denied

S112895
E030852 Fourth Appellate District,
Division Two

PEOPLE v. COWART
Petition for review denied

S112897
G028925 Fourth Appellate District,
Division Three

PEOPLE v. HORN
Petition for review denied

S112898
B156831 Second Appellate District,
Division Four

S. (MIGUEL), IN RE
Petition for review denied

Kennard, J., is of the opinion the petition
should be granted.

S112900

G026423 Fourth Appellate District,
Division Three

MERUELO v. MARCUS & MILLICHAP

Petition for review denied

S112905

B153584 Second Appellate District,
Division Two

PEOPLE v. GALINDO

Petition for review denied

S112907

B156832 Second Appellate District,
Division Five

R. (MARCO)

Petition for review denied

S112910

B142502 Second Appellate District,
Division Four

TOPANGA AND VICTORY v. TOGHIA

Petition for review denied

S112911

F037488 Fifth Appellate District

PEOPLE v. MORENO

Petition for review denied

Baxter, J., was recused and did not participate.

S112912

F037617 Fifth Appellate District

PEOPLE v. NEPSTAD

Petition for review denied

S112914

B151928 Second Appellate District,
Division Six

PEOPLE v. CHANDLER

Petition for review denied

S112920

H021478 Sixth Appellate District

PEOPLE v. WILLIS

Petition for review denied

S112931

C039621 Third Appellate District

PEOPLE v. BRITT

Petition for review denied

S112934

H022576 Sixth Appellate District

PEOPLE v. WRIGHT

Petition for review denied

S112935 C037907 Third Appellate District	PEOPLE v. CORIN Petition for review denied
S112937 F037462 Fifth Appellate District	PEOPLE v. MAYBERRY Petition for review denied
S112939 C039539 Third Appellate District	PEOPLE v. UNZUETA Petition for review denied
S112950 F037048 Fifth Appellate District	PEOPLE v. DUNN Petition for review denied
S112960 B163540 Second Appellate District, Division Three	EDWARDS (DAVIDO A.), IN RE Petition for review denied
S112983 F039267 Fifth Appellate District	PEOPLE v. GIBSON Petition for review denied
S112997 E030626 Fourth Appellate District, Division Two	PEOPLE v. LOPEZ Petition for review denied
S113336 B164099 Second Appellate District, Division Two	CHARMAINE v. S.C. (NELSON) Petition for review and application for stay denied
S113338 G030494 Fourth Appellate District, Division Three	PEOPLE v. WOODS Petition for review and application for stay denied as moot.
S113445 A101176 First Appellate District, Division Two	PEOPLE v. GIVENS Petition for review and application for stay denied

S102192EVANS (DAVID ANDREW) ON H.C.
Petition for writ of habeas corpus deniedKennard, J., is of the opinion an order to
show cause should issue.**S107079**YOUNG (LAUREN) ON H.C.
Petition for writ of habeas corpus denied**S107147**WEST (ALVIN I.) ON H.C.
Petition for writ of habeas corpus denied**S107178**FARRIS (RAY E.) ON H.C.
Petition for writ of habeas corpus denied**S107477**FLEMINGS (KEVIN) ON H.C.
Petition for writ of habeas corpus denied**S107572**OLIVA (DAVID O.) ON H.C.
Petition for writ of habeas corpus denied**S107691**BLUE-SKY (RICHARD) ON H.C.
Petition for writ of habeas corpus denied**S107721**AGUAYO (JOSE J.) ON H.C.
Petition for writ of habeas corpus denied**S107749**GONZALEZ (JIMMIE) ON H.C.
Petition for writ of habeas corpus denied**S107955**BOWELL (JAMES EDWARD) ON H.C.
Petition for writ of habeas corpus denied**S108097**EDWARD (JEFFREY) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

S108167	MORGAN (JOEY ALFONSO) ON H. C. Petition for writ of habeas corpus denied
S108206	JOHNSON (RAYMOND) ON H.C. Petition for writ of habeas corpus denied
S108216	MALO (RONALD P.) ON H.C. Petition for writ of habeas corpus denied
S108218	GARCIA (LENIN) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S108219	PLUMMER (WILLIAM) ON H.C. Petition for writ of habeas corpus denied
S108225	NGUYEN (HUNG) ON H.C. Petition for writ of habeas corpus denied
S108247	JOHNSON (JAMAI) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S108334	BAKER (ANJI LYNN) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S108339	TAYLOR (VINCENT WADE) ON H.C. Petition for writ of habeas corpus denied
S108373	DIA (IHAB) ON H.C. Petition for writ of habeas corpus denied
S108377	SOBARZO (RICKY R.) ON H.C. Petition for writ of habeas corpus denied
S108533	TORLUCCI (ARTHUR) ON H.C. Petition for writ of habeas corpus denied

S108671	WALLACE (MARQUICE D.) ON H.C. Petition for writ of habeas corpus denied
S108697	SMITH (TYRONE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S108777	LYNCH (THOMAS) ON H.C. Petition for writ of habeas corpus denied
S108875	VAEAO (MOSES) ON H.C. Petition for writ of habeas corpus denied
S108882	OBANDO (RENATO) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S109011	CRAIG (KEVIN ONEAL) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S109024	HENDERSON (DANIEL R.) ON H.C. Petition for writ of habeas corpus denied
S109069	WOODS (RICHARD LEE) ON H.C. Petition for writ of habeas corpus denied
S109070	JOHNSON (ANTHONY B.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S109077	ARMSTRONG (MICHAEL) ON H.C. Petition for writ of habeas corpus denied
S109461	ESTEVEZ (JESUS A.) ON H.C. Petition for writ of habeas corpus denied
S109837	HALE (BRETT A.) ON H.C. Petition for writ of habeas corpus denied

S109932	MARCUS (HOWARD) ON H.C. Petition for writ of habeas corpus denied
S109981	NUNEZ (KELLI) ON H.C. Petition for writ of habeas corpus denied
S110044	GEBRESELASSIE (TEKLE E.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S110135	CAMMON (ANTHONY) ON H.C. Petition for writ of habeas corpus denied
S110140	JOHNSON (TIMOTHY W.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S110147	JONES (MARK ANTHONY) ON H.C. Petition for writ of habeas corpus denied
S110181	BARBOZA (ADAM) ON H.C. Petition for writ of habeas corpus denied
S110195	VARGAS (RICARDO B.) ON H.C. Petition for writ of habeas corpus denied
S110216	HARDY (AARON THOMAS) ON H.C. Petition for writ of habeas corpus denied
S110224	LOEB (DESMOND) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S110227	LOEB (DESMOND) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S110245	SWAN (BYRON) ON H.C. Petition for writ of habeas corpus denied

S110257	KAULICK (STEVEN J.) ON H.C. Petition for writ of habeas corpus denied
S110260	MILLER (MARION F.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S110273	MARTIN (TYRONE D.) ON H.C. Petition for writ of habeas corpus denied
S110293	SIMMONS (WALTER F.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S110295	BRIGNAC (JARON) ON H.C. Petition for writ of habeas corpus denied
S110311	BRAESEKE (BARRY) ON H.C. Petition for writ of habeas corpus denied
S110314	CORELLA (JOSIE) ON H.C. Petition for writ of habeas corpus denied
S110405	JACKSON (BERNARD) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S110413	PINK (MELVIN R.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S110414	LOGAN (JAMES DAVID) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S110529	BACON (RONNIE EUGENE) ON H.C. Petition for writ of habeas corpus denied
S110535 B156107 Second Appellate District, Division Six	WILLIAMS (LAMORRIS) ON H.C. Petition for writ of habeas corpus denied

S110543	RASHID (HAKIM W.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S110954	SHEA (FRANCIS PATRICK) ON H.C. Petition for writ of habeas corpus denied
S111189	MILLER (MARION F.) ON H.C. Petition for writ of habeas corpus denied
S111375	GEBRESELASSIE (TEKLE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S112832	PINK (MELVIN R.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S113032	SAPP (IVAN T.) ON H.C. Petition for writ of habeas corpus denied
S113241	NGUYEN (UT) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S112666 B156045 Second Appellate District, Division Six	DIBBLE v. GOURLEY Depublication request denied (case closed)
S113134 H021920 Sixth Appellate District	PEOPLE v. LETTEER Depublication request denied (case closed)
S113165 B129551 Second Appellate District, Division Four	ALLEN v. DREXLER Publication request denied (case closed)

S047056

PEOPLE v. TAFOYA (IGNACIO A.)

Extension of time granted

to 4/1/2003 to file appellant's reply brief. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon counsel Michael R. Totaro's representation that he anticipates filing that brief by 4/30/2003.

S098131

FLORES (JAVIER) ON H.C.

Extension of time granted

Respondent's time to serve and file the supplemental informal response is extended to and including March 20, 2003.

S107583

SCHWERIN (ROBERT) ON H.C.

Extension of time granted

On application of the Attorney General and good cause appearing, it is hereby ordered that the time to serve and file the Attorney General's Informal Response is extended to and including 2/20/2003.

S108291

B146786 Second Appellate District,
Division Seven

PEOPLE v. SMITH

Extension of time granted

Appellant's time to serve and file the appellant's opening brief is extended to and including March 24, 2003.

S015008

PEOPLE v. SCHMECK (MARK L.)
Counsel appointment order filed

The order appointing Michael Millman, Executive Director of the California Appellate Project, to serve as interim habeas corpus/executive clemency counsel of record for appellant Mark Lindsey filed September 12, 2001, is hereby vacated. Lawrence A. Gibbs is hereby appointed to represent appellant Mark Lindsey Schmeck for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

S042323

PEOPLE v. BURNEY (SHAUN K.)
Order filed

granting applt's application to file
overlength AOB.

S108472
C038797 Third Appellate District

PEOPLE v. GARCIA
Order filed

The order in the above-entitled matter issued on January 15, 2003, is modified to read as follows: Due to the death on September 20, 2002, of Eric Patrick Garcia, all proceedings in this cause are permanently abated, and the cause is transferred to the Court of Appeal, Third Appellate District, with directions to enter an order to that effect in Case No. C038797 and to require the Superior Court for the County of Sutter to enter an order to that effect in Case No. CRF-00-3072. (Cal Rules of Court, rule 29.3(d); *People v. Dail* (1943) 22 Cal.2d 642, 659; *People v. Bandy* (1963) 216 Cal.App.2d 458, 466.) A similar issue to that raised in the petition for review in the *Garcia* matter is pending before this court in *People v. Canty*, S109537 (rev. granted Oct. 16, 2002).

S089463

LAWLEY (DENNIS H.) ON H.C.
Reference hearing ordered

THE COURT:

Based on the record in this matter and good cause appearing:

The Honorable David G. Vander Wall, Presiding Judge of the Stanislaus County Superior Court, shall select a Judge of the Stanislaus County Superior Court to sit as a referee in this proceeding and shall promptly notify this court of the referee selected. After appointment by this court, the referee shall take evidence and make findings of fact on the following questions regarding the case of People v. Dennis Harold Lawley (Stanislaus County Superior Court No. 243108; Judge Eugene M. Azevedo):

1. Is petitioner factually innocent because Brian Seabourn killed Kenneth Stewart, not at petitioner's request, but solely for or at the direction of the Aryan Brotherhood or other persons?
2. Did Brian Seabourn communicate with District Attorney James C. Brazelton, by letter or other means, after petitioner's trial? If so, what was the substance of the communication?
3. Does the Department of Corrections, or any of its employees, agents or subordinate or related entities, possess information exonerating petitioner of complicity in the killing of Stewart?

It is further ordered that the referee prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and the findings of fact made.

Any requests for discovery in this matter, including but not limited to any motion by petitioner under Pennsylvania v. Ritchie (1987) 480 U.S. 39, should be addressed to the referee. (See In re Scott (2003) 29 Cal.4th 783, 814.)

